

6. Is there a constitutional right to homosexual marriage under the U.S. Constitution?

Bowers v. Hardwick, 478 U.S. 185 (1986), and the Defense of Marriage Act, which is presumptively constitutional, indicate that there is no constitutional right to homosexual marriage under the United States Constitution. I have no personal belief that would prevent me from following applicable law in this or any other area.

Mr. KENNEDY. Madam President, I strongly support Susan Oki Mollway's nomination to the federal district court in Hawaii. Her nomination has now been pending before the Senate for two-and-a-half years. It is long past time to confirm this able nominee.

Ms. Mollway's credentials are impressive. She is a Harvard Law School Graduate and a partner at a prestigious Hawaii law firm, where her practice has included complex civil litigation. In 1987, she was voted Outstanding Woman Lawyer by the Hawaii Women Lawyers. She successfully argued a case before the Supreme Court of the United States in 1994.

Ms. Mollway has the support of every member of Hawaii's congressional delegation, and the federal judges in Hawaii hold her in the highest regard. She would be the first Asian-American woman to sit on the federal bench.

Some of our colleagues oppose this nomination because Ms. Mollway served on the Board of Directors of the ACLU in Hawaii, at a time when the ACLU was active in the same-sex marriage debate in that state. In fact, much of the ACLU's involvement in that debate took place long before Ms. Mollway became a member of the Board of Directors. In addition, Ms. Mollway has emphatically stated that she never voted on the position the ACLU should take on this issue or on any other litigation or legislation. The opposition to her nomination is unjustified, and it is no basis for denying confirmation.

Unfortunately, Ms. Mollway is just one of the many well-qualified women and minority nominees who have been arbitrarily delayed by the Senate and subjected to unfair ideological hazing.

In fact, in this Republican Senate, women are four times more likely than men to be held up for more than a year. Forty-three percent of the nominees currently on the Senate calendar are women. In the last three months, the Senate Republican leadership has allowed only one woman to be confirmed to the federal bench, while confirming 15 men. And, 16 out of 21—that's 76 percent—of the nominees carried over from last year's session are women or minorities.

I urge my colleagues to support Ms. Mollway's nomination. It is time to end the logjam of qualified women and minority nominees. It is time to provide relief to the federal district court in Hawaii, whose caseload has doubled in the last five years. It is long past time to confirm Susan Oki Mollway. Her qualifications are outstanding and I am confident that she will serve with

great distinction on that court. Frankly, the Senate should confirm her—and apologize to her as well.

Mr. INOUE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, I want to say a couple of words about this nomination. I am very pleased that Susan Mollway's nomination has finally reached the Senate floor. As others have noted, it is a long, long time in coming. I am told that it has taken 2½ years. But today she is finally going to get a vote, and I am confident that she will be confirmed.

I think it is quite an impressive story. Susan Mollway, first nominated for the U.S. District Court for the District of Hawaii in December of 1995, was reported favorably by the Senate Judiciary Committee on April 25 of 1996. Nothing happened, of course, with that nomination, and she was renominated again on January 7 of 1997 and again reported out favorably by the Judiciary Committee.

She must be the most patient woman in the world. For all this time, with all this uncertainty, with all of the implications professionally, it has been a long wait, not only for her, but for Hawaii.

The seat which Ms. Mollway has been nominated to has been vacant now for 3 years, since April of 1995. Were it not for the extraordinary persistence of our colleagues from Hawaii, the senior Senator, DANIEL INOUE, and the junior Senator, DANIEL AKAKA, we would not be here this afternoon. It is only their persistence and the extraordinary credibility and, frankly, persistence that they have demonstrated for all this time that we are now celebrating this moment.

Their persistence is well invested. Susan Mollway is fully qualified and will be an extraordinary credit to the bench. She is a partner in the Honolulu law firm of Cades, Schutte, Fleming and Wright where she went upon graduation from Harvard Law School.

She has practiced in a broad range of areas, including a successful argument before the U.S. Supreme Court. She has won numerous awards, including the Hawaii Women Lawyers' Outstanding Woman Lawyer Award in 1987.

The granddaughter of a "picture bride" and a plantation worker in Hawaii, Ms. Mollway and her family have learned strength and commitment from their story. Her father left high school during World War II to join a Japanese-American unit of the U.S. Army. Together with Senator INOUE, he fought in Europe as part of the 442nd Regiment Combat Team, the most decorated military unit of its size in World

War II. At the same time, people he knew were among the thousands of Japanese-Americans interned by our own Federal Government. Later, Ms. Mollway's father used his veteran's benefits to attend Harvard. Clearly, his daughter now understands the great joy and honor of being an American, but also the burdens and barriers faced by some in our society.

We are all proud of the distance we have come as a society in ending the kind of discrimination faced by Japanese-Americans of Ms. Mollway's father's generation, but the confirmation of this judge to be now U.S. district judge will mark yet another step in this progress. Susan Mollway is an outstanding nominee and deserves to be confirmed.

I, again, congratulate my two colleagues from Hawaii, and I call upon all of my colleagues to vote in her favor in 40 minutes.

I yield the floor.

Mr. INOUE. Madam President, I ask unanimous consent that Senator SESSIONS and I be permitted to yield back the remainder of our time and that at the hour of 5 p.m., a rollcall vote be taken on this matter.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. INOUE. Madam President, may I change that to 5:10?

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator wish to request the yeas and nays at this time?

Mr. INOUE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

MORNING BUSINESS

Mr. INOUE. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Thank you very much, Madam President.

SECRET HOLDS ON NOMINATIONS AND LEGISLATION

Mr. WYDEN. Madam President, only 52 legislative days remain in this session. Dozens of nominations are pending, and more than 400 items are on the calendar. Being an election year, this